IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

WP(C).No. 32587 of 2007(D)

PETITIONER:

TOUR INDIA HOLIDAYS (P) LIMITED,
NEAR SMV SCHOOL, M.G.ROAD, THIRUVANANTHAPURAM,
REPRESENTED BY ITS EXECUTIVE DIRECTOR,
O.THOMAS.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:

---

1. THE ASSISTANT PROVIDENT FUND
COMMISSIONER AND RECOVERY OFFICER,
EPF ORGANIZATION, BHAVISHYANIDHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM.

2. THE EMPLOYEES PROVIDENT FUND APPELLATE
TRIBUNAL, 9TH FLOOR, MAYUR BHAVAN, CANNAUGHT
CIRCLE, NEW DELHI-1, REPRESENTED BY ITS REGISTRAR.

BY SMT. T.N. GIRIJA - SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)No. 32587 OF 2007

Dated this the 2nd day of November, 2007

JUDGMENT

Heard the learned counsel for the petitioner as also the learned standing counsel appearing for the Provident Fund Organisation. The petitioner is challenging Ext.P4 order of the Employees Provident Fund Appellate Tribunal whereby the Tribunal has directed the petitioner to pay 50% of the disputed amount involved in the appeal before it, as a condition for dispensing with pre-deposit of the amount demanded by the impugned order as provided under Section 70 of the Employees Provident Funds and Miscellaneous Provisions Act. I am not satisfied that the Tribunal has exercised its discretion improperly. However, taking into account the financial difficulties projected before me by the petitioner, I direct that if the petitioner pays an amount of Rs.2.5 lakhs instead of 50% of the amount as directed in Ext.P4, it would be taken as sufficient for the purpose of dispensing with the pre-deposit of the amount as provided under

Section 70. This shall be done within one month from the date of receipt of a copy of this judgment. On producing proof of payment of the same, the Tribunal shall consider the appeal on merits.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

Acd